



FREDERICK COUNTY PLANNING COMMISSION

August 11, 2021

TITLE: Frederick Primary Care- Lots C7 & C8,
Linganore Town Center South –
Commercial Retail Center

FILE NUMBER: SP01-05 (AP SP260604, APFO A260611,
FRO F260612)

REQUEST: **Site Plan Approval**
The Applicant is requesting Site Plan approval to
construct a 21,838 sq ft Medical Office Facility on a
2.02-acre Site.

PROJECT INFORMATION:

LOCATION: Located at the South Side of Old National Pike at
Eaglehead Drive
TAX MAP/PARCEL: Tax Map 79, Parcel 34
COMP. PLAN: Low Density Residential
ZONING: Planned Unit Development (PUD)
REGION: New Market Planning Region
WATER/SEWER: Water and Sewer Classification: W-4/S-4

APPLICANT/REPRESENTATIVES:

APPLICANT: Daft McCune Walker Inc
OWNER: Dryden Investments, LLC
ENGINEER: Lingg Property Consulting
ARCHITECT: Not Listed
ATTORNEY: Not Listed

STAFF: Cody Shaw, Principal Planner I

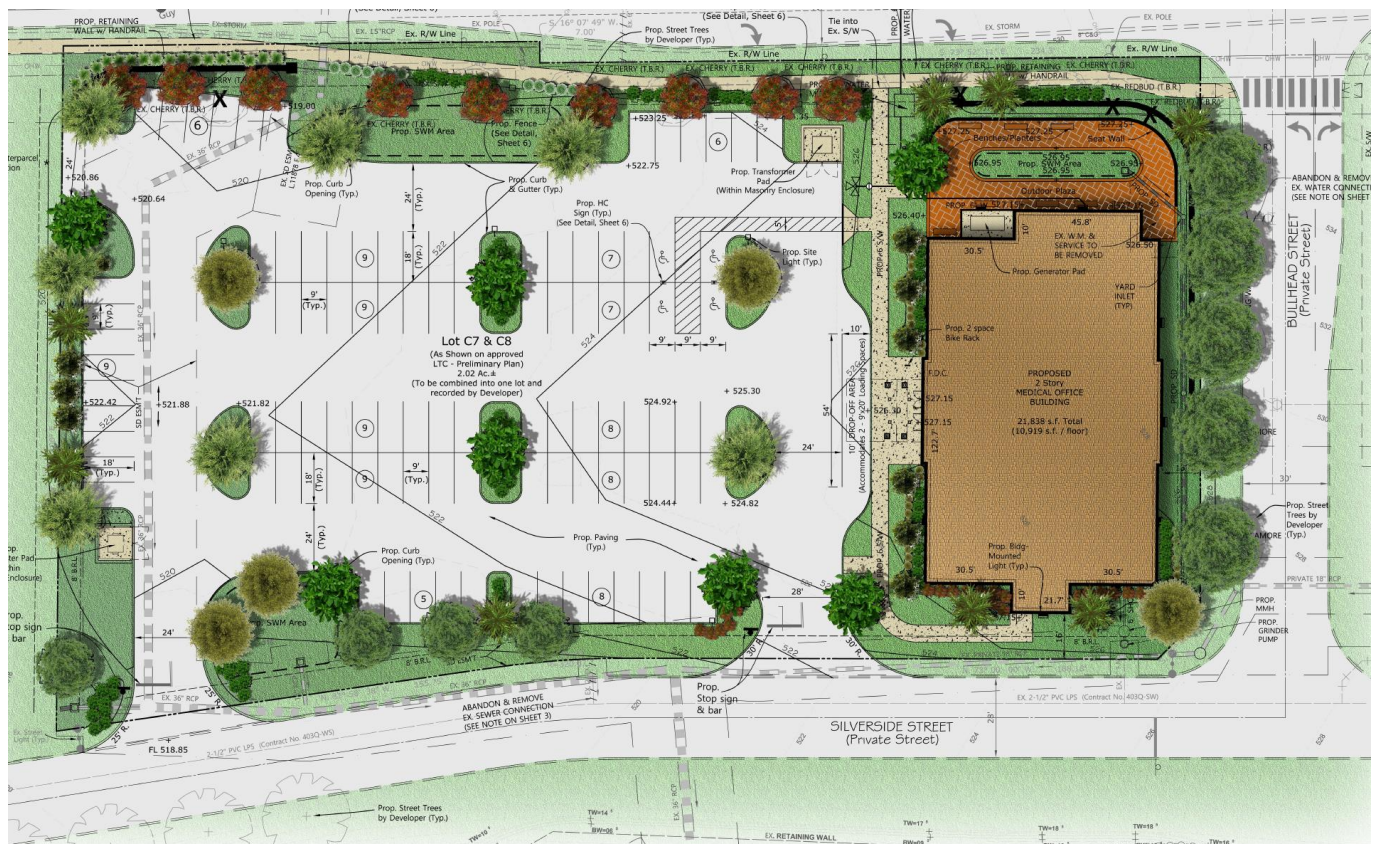
RECOMMENDATION: Conditional Approval

Enclosures:

Exhibit #1 - Site Plan Rendering
Exhibit #2 - Site Plan Modification Requests

ISSUE

The Site is zoned 'PUD – Planned Unit Development' and the proposed use is being reviewed under the §1-19-10.500 (Planned Development Districts) of the Zoning Ordinance.



BACKGROUND

Development History

The subject property was included in a 2013 request for rezoning from Agricultural to Planned Unit Development (PUD), which added 39 acres in varying locations to the overall Linganore Planned Unit Development. Case R-12-0(A) was approved through Ordinance No. 14-17-672 on October 9, 2014 and applied PUD zoning to the subject property, with areas designated for commercial, institutional, and open space uses.

The Applicant later requested a preliminary subdivision plan for the development of nine (9) lots for commercial, institutional and retail uses on a 17.8-acre area described as Linganore Town Center – South Commercial Retail Center. This preliminary subdivision plan (AP 19092) was approved by the Frederick County Planning Commission on June 12, 2019. This plan has been revised (PP263961) and is being presented at the August 11, 2021 Frederick County Planning Commission meeting for reapproval. This revised Preliminary Plan proposes to combine Lots C7 and C8, alter the lot line between Lots C5 and C6, and other minor changes. The final plat for this lot will be submitted once the revised Preliminary Plan is approved.

Existing Site Characteristics

The 2.02 acre Site is located on the south side of Old National Pike (MD 144), on the east side of the roundabout at Eaglehead Drive. The subject Site is currently a vacant field.

Figure 2 – Site Aerial – Existing Conditions

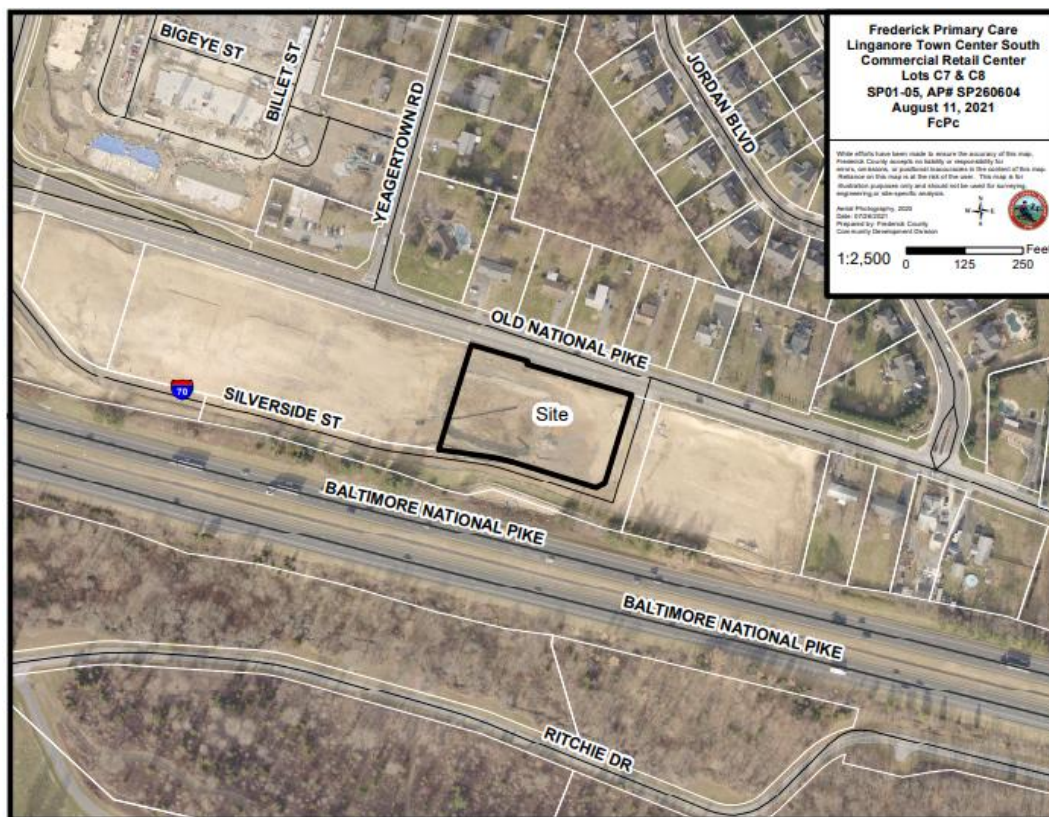
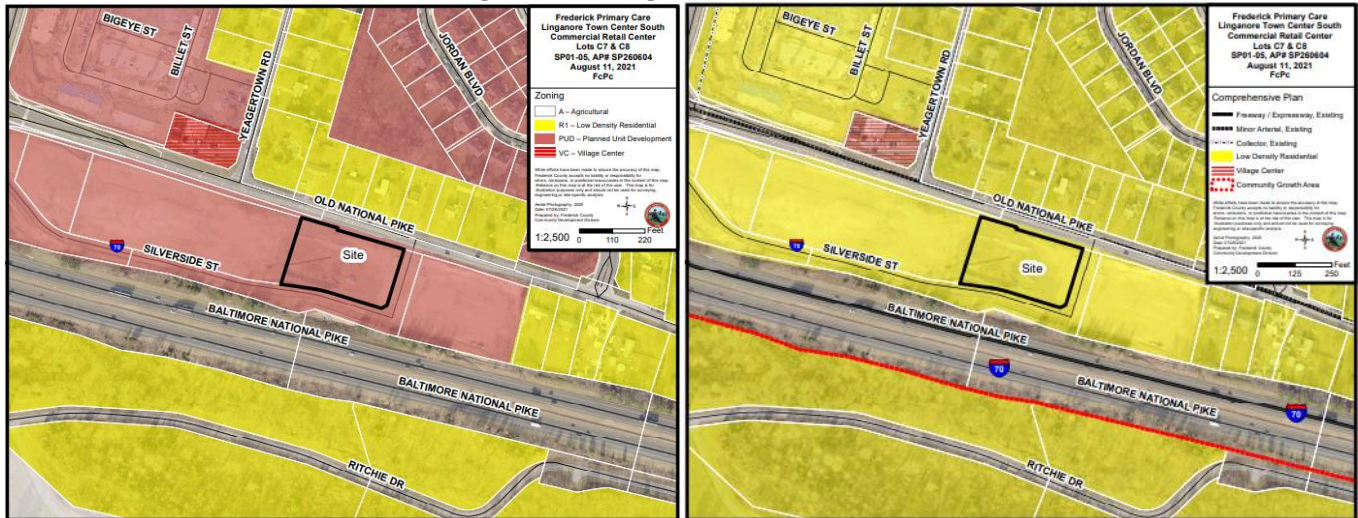


Figure 3 – Zoning / Comprehensive Plan



ANALYSIS

Summary of Development Standards Findings and Conclusions

The primary issues associated with this development are:

- Adequacy of the Site Plan in providing convenient and safe ingress/egress to the Site.
- Demonstrating compliance with site design standards.
- Demonstrating compliance with Maryland Historic National Road Model Design Guidelines.
- Demonstrating compliance with §1-19-10.500.9 General Development Standards within the Planned Development Districts.

Modification Requests:

1. §1-19-6.220(A)(2): The Applicant is requesting a parking space modification to allow for 100 parking spaces, or 27 more spaces than the required 73 spaces.
2. §1-19-6.500(B)(1): The Applicant is requesting a light height modification to allow light poles to be 18 feet high at the point of illumination, 4 more feet higher than the maximum 14 foot requirement.

Detailed Analysis of Findings and Conclusions

Site Plan Approval shall be granted based upon the criteria found in:

Site Development §1-19-3.300.4 (A): Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.

Findings/Conclusions

Dimensional Requirements/Bulk Standards §1-19-8.500: Within the PUD district, dimensional standards are approved by the Planning Commission per §1-19-10.500.6(H)(2).

1. The setbacks (as detailed on Sheet 1) include the following; 15-foot front yard, 15-foot side yard to adjacent property line/8-foot side yard to internal property line, 15-foot rear yard with a maximum height of 60 feet. The setbacks provided meet or exceed the setbacks shown on the Preliminary Plan, as shown on note D.1 of the cover sheet.
2. **Signage §1-19-6.300:** The appropriate sign category for this site is “Commercial” (Sign Type 7). The maximum signage allowed for this use is 10 x the square root of the main building frontage (main building frontage is 122.7' = 110.7 sq ft maximum size permitted). Signage height must not exceed 25 ft. and signage must be setback ½ the setback. Signage proposed for this facility is building mounted only, on the west and east building elevations. With the proposed building mounted signage, the Applicant has met all the signage requirements.
3. **Landscaping §1-19-6.400:** The landscape plan contains a variety of plant species, which provide screening and shade for the Medical Office Facility. The plan proposes a mix of evergreens, deciduous trees, and shrubs and meets the predominately native species requirement. Parking lot canopy coverage exceeds the 20% required.

The provision for street trees in the proposed development is regulated under Section 1-19-6.400(A)(1) of the Zoning Ordinance and states that the Applicant must provide “One tree, at least 6 feet in height at the time of planting...per 35 feet of [public] roadway frontage.”.

Street Trees required: **12 trees** [400 feet road frontage / 35 feet = 11.4]
 Street Trees provided: **12 trees**

4. **Lighting §1-19-6.500:** The Applicant has provided a photometric plan documenting proposed lighting levels on the Site, which do not exceed 0.5 foot-candles at, or beyond, the property boundaries. Per Section 1-19-6.500(B)(2) of the Zoning Ordinance, lighting fixtures in a PUD cannot exceed 14' in height. The Applicant has proposed 18' light poles, as measured from the ground to the point of illumination. A modification request has been submitted to allow the additional light height proposed. This modification request is consistent with the other modifications for 18' light poles that were approved in this same subdivision (Lot C3 and Lot C9).

Transportation and Parking §1-19-3.300.4 (B): *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

1. **Access/Circulation:** One 24' wide entrance and one 28' wide entrance are proposed off of a shared access road called Silverside Street (private road). An interconnection with the adjacent parking lot to the west is also proposed. Loading and unloading is facilitated by two small loading spaces on the east side of the parking lot.
2. **Public Transit:** There is no local bus service for this Site.
3. **Parking:** Pursuant to Section 1-19-6.220 of the Zoning Ordinance for a Professional Office, 1 parking space is required for each 300 sq ft of gross floor area. This equates to 73 parking spaces required (21,838/300 = 73). The Site Plan proposes 100 parking spaces, which includes four (4) handicap spaces. A modification request has been

submitted for the proposed addition of 27 parking spaces.

4. **Pedestrian Circulation and Safety §1-19-6.220 (G):** Internal sidewalks are provided within the parking area and surrounding the building. The site plan proposes a sidewalk connection to the adjacent sidewalk along Old National Pike.
5. **Bicycle Parking §1-19-6.220 (H):** Bicycle parking shall be provided as follows in accordance with the Zoning Ordinance:

Required: 1 rack (1 rack per 40,000 sf of GFA, minimum 1 = $21,838/40,000 = 0.54$)
Provided: 1 rack

Bicycle rack is located at the front of the building, within 50 feet of the entrance.

Public Utilities §1-19-3.300.4 (C): *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

Findings/Conclusions

1. **Public Water and Sewer:** The Site is to be served by public water and sewer and is currently classified as W-4/S-4 in the Frederick County Water and Sewerage Plan.

Natural features §1-19-3.300.4 (D): *Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

Findings/Conclusions

1. **Topography:** The Site is relatively flat, dropping from a high point along the northeastern boundary (532 feet) to a low point at the southwestern corner (518 feet).
2. **Vegetation:** The Site contains grasses and has no other forms of vegetation.
3. **Sensitive Resources:** No streams, wetlands, FEMA floodplain, or steep slopes, are located on the Site.
4. **Natural Hazards:** There are no natural hazards located on site that affect the development proposal.

Common Areas §1-19-3.300.4 (E): *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

Findings/Conclusions

No common areas are required or proposed.

Other Applicable Regulations

Adequate Public Facilities Ordinance (APFO) – Chapter 1-20

This development received APFO approval prior to preliminary plat, (via the Oakdale Linganore DRRA and LOU approved on July 11 2013, and most recently amended on June 12, 2019). This site plan application does not exceed the original density or intensity assumptions confirmed with the approved APFO, and is therefore exempt from further APFO testing at site plan. (§1-20-7(E)). The amended and restated LOU will remain valid through July 11, 2038. The Site is anticipated to generate 48AM and 64PM peak hour trips. A total of 288 am and 287 pm trips remain for the remaining buildout of LTC South Commercial.

Stormwater Management – Chapter 1-15.2

Stormwater Management will be provided via onsite facilities located throughout the Site that and the plan was approved on June 3, 2021 (AP – PW265166).

Development Standards within the Planned Development Districts – Chapter 10.500.9

Findings/Conclusions

A. Site and Building Design:

The Site will be integrated into the surrounding sites that are being developed within the commercial subdivision, which allows access to vehicles, bicycles and pedestrians. The private street (Silverside Street) will provide the main ingress and egress to this site as well as other sites within the subdivision. The exterior façade provides consistent finishes and materials on all sides and continues the theme that was established with previous site development plans that were approved in this subdivision. Parking being located along a significant portion of Old National Pike has been addressed through the use of landscaping, decorative wall sections, and rail fencing. With these additional proposed features, staff feel the Applicant has successfully mitigated this parking alignment.

B. Natural Features:

The Site contained no existing tree line or environmental features to be maintained.

C. Public Facilities and Utilities:

The Site will be integrated into the overall PUD's public water, public sewer, utility, and transportation system.

D. Modifications:

The requested modifications are permissible under Article VI: District Regulations.

Forest Resource Ordinance (FRO) – Chapter 1-21

This property was previously mitigated under AP 17856 by the purchase of forest banking credits. The property contains no forest and no specimen trees (trees 30" or greater in diameter).

Maryland Historic National Road

This property was reviewed for compliance with the SHA's Maryland Historic National Road Appendix Two: Model Design Guidelines. These guidelines are to be used for development activity (including architectural character) for new construction along the Historic National Road. The model design guidelines provide information on the design of the building siting and orientation, parking, landscaping, signage, etc. in order to help manage the appearance of the Scenic Byway. The Applicant has incorporated architectural characteristics that are reflective of the surrounding area such as the stone and wood siding. Additionally, vegetation and fencing are being utilized to screen the parking area from the National Road. These features and characteristics are in keeping with the guidelines and help to enhance the Byway. The Applicant has followed these guidelines and Staff has no objection to the proposed design.

Summary of Agency Comments

Other Agency or Ordinance Requirements	Comments
Public Works Department:	Approved
Development Review Planning:	Approved
State Highway Administration (SHA):	Approved
Div. of Utilities & Solid Waste Mgmt. (DUSWM):	Approved
Forest Resource (FRO):	Approved
Historic:	Approved
Office of Life Safety:	Approved
Street Naming:	Approved
DPDR Traffic Engineering:	Approved
APFO Review:	Approved

FINDINGS

Based on the discussion in this report and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, Subdivision, APFO and FRO requirements once the conditions of approval have been met and requested modifications granted.

RECOMMENDATION

Staff has no objection to conditional approval of the Site Plan for Frederick Primary Care. If the Planning Commission conditionally approves the Site Plan, it is valid for a period of three (3) years from the date of Planning Commission approval (valid through August 11, 2024).

Based upon the findings, conclusions, and modifications as presented in the staff report, Staff finds that the application meets or will meet all applicable Zoning, APFO, and FRO requirements once the following modifications are granted and conditions met:

Planning Commission approval of the following modification requests from the Applicant:

1. Approval of a Parking Space Modification Request under §1-19-6.220(A)(2) to allow for 100 parking spaces, or 27 more spaces than the required 73 spaces.
2. Approval of the modification of the 14-foot maximum height for light poles in a PUD Zoning district as provided in Section 1-19-6.500 to allow 18-foot tall pole mounted lights.

Staff-proposed conditions of approval:

1. Address all agency comments as the plan proceeds through to completion.
2. Revised preliminary plan associated with this plan must be approved prior to final site plan approval.
3. Final plat associated with this plan must be approved and recorded prior to final site plan approval.

PLANNING COMMISSION ACTION

I move that the Planning Commission **APPROVE** the **Site Plan (SP01-05, AP SP260604)** with **conditions and modifications** as listed in the staff report for the proposed **Frederick Primary Care**, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

Exhibit 1 – Site Plan Rendering



Exhibit 2 – Site Plan Modification Request Letters



LINGG
Property Consulting

256 West Patrick Street, Suite 2A, Frederick, Maryland 21701
P: (301) 644-2121, F: (301) 698-3221, E: LinggPC@xecu.net

March 10, 2021

Frederick County Planning Commission
c/o Mr. Cody Shaw, Principal Planner
Frederick County Department of Development Review
30 North Market Street
Frederick, Maryland 21701

Re: Frederick Primary Care, County File #SP01-05, AP #SP260604
FCPC Modification Request for Increase in Parking Spaces

Dear Cody:

This letter serves as our formal request to the Frederick County Planning Commission for consideration of a modification for the above-referenced case as follows.

Authority to Modify

Section 1-19-6.220(A)(1) of the Frederick County Zoning Ordinance states that “An increase or reduction in the number of required parking spaces may be granted by the Planning Commission where the applicant or Planning Commission authorized representative can demonstrate need based on characteristics of the proposed use...”

Requirement to be modified

Section 1-19-6.220(4) of the Frederick County Zoning Ordinance presents a table which sets forth the required parking spaces based on the proposed use of a property within Frederick County. The proposed use for this building is to house a variety of Medical Service Providers. The use is not solely a singular medical clinic and will include offices and service facilities for different medical practitioners. Therefore, Professional Office and Service building seems to be the use best-fitting within the parking table. This table requires that uses within that category provide 1 parking space for each 300 square feet of floor area. For the proposed Frederick Primary Care facility, as shown on the submitted Site Plan, this calculates to a requirement of 73 parking spaces. 100 parking spaces are proposed (including 4 handicap accessible spaces).

Modification Requested / Justification

73 parking spaces are required, while 100 parking spaces are proposed (including 4 handicap accessible spaces). Therefore, an increase of 27 parking spaces is requested.

The following statement is from Frederick Primary Care Associates as justification for this request.

“In planning for this new medical office space, Frederick Primary Care Associates is drawing on a wealth of experience as it thinks through the many elements of a facility that contribute to its performance and, ultimately, the satisfaction of those it serves. Provision of adequate parking cannot be overlooked in this planning given our own firsthand experiences: seven (7) of our nine (9) current Frederick County offices are seriously “under-stalled.”

We have repeatedly observed that our locations with parking ratios hovering around 5:1 (spaces per 1,000 sq ft) regularly still struggle providing adequate parking capacity. It is only our locations with 10:1 ratios or higher that consistently have an ample number of parking spaces available. We recognize that achieving that kind of ratio is not physically possible with the proposed New Market site.

These “higher” ratios quickly make sense when one considers the two different driver-types that require these parking stalls: employees and patients. Medical offices require significant support staff if they are to meet patient expectations and meeting those expectations leads to more patients which leads to more support staff.

We project that our proposed building will house a total of fifty-three (53) employees each weekday on the two floors (this count = providers and support staff). This leaves forty-seven (47) open parking spaces throughout the day for patients and the vendors that service the building’s medical offices.

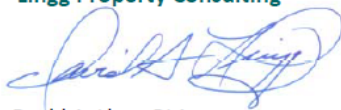
We also project that sixteen (16) providers will be simultaneously serving patients in this building which equates to less than three (3) parking stalls being available for each provider’s patients ($47/16 = 2.9$) at any one time (omitting the vendors from this math). These forty-seven (47) parking stalls available for patients then evaporate quickly when one considers the average time a patient spends in the medical office when they come for an appointment. A provider typically has three patients in the office at any given moment (one checking in, one in the exam room and one checking out) so the provider’s 2.9 parking spaces are full each hour. As soon as the provider’s appointment schedule starts running late, the parking lot overflows to everyone’s frustration.

Frederick Primary Care Associates respectfully submits that our proposed allocation of 100 parking stalls for this development is not excessive. We view this stall count as a realistic provision of space if we are to truly support both the professionals based in this medical office building and their patients.”

Therefore, for all these reasons above, and in accordance with Section **Section 1-19-6.220(A)(1)** of the Frederick County Zoning Ordinance, the applicant respectfully requests this modification be approved by the Frederick County Planning Commission to allow the increase of 27 extra parking spaces as shown on the submitted Site Plan.

Please feel free to contact me with any questions or comments. Thank you for your consideration of this matter.

Sincerely,
Lingg Property Consulting



David A. Lingg RLA
President

cc: Project Team

April 8, 2021

Frederick County Planning Commission
c/o Mr. Cody Shaw, Principal Planner
Frederick County Department of Development Review
30 North Market Street
Frederick, Maryland 21701

Re: Frederick Primary Care, County File #SP01-05, AP #SP260604
FCPC Modification Request for Site Lighting Height Standards

Dear Cody:

This letter serves as our formal request to the Frederick County Planning Commission for consideration of a modification for the above-referenced case as follows.

Requirement to be modified

Section 1-19-6.500(B)(1) of the Frederick County Zoning Ordinance requires that "Pole and building mounted lighting shall not exceed a maximum height of 14 feet in pedestrian oriented developments including pedestrian components in Planned Unit Development (PUD), Mixed Use Development (MXD), Office Research/Industrial (ORI), and Planned Industrial/Commercial development".

Authority to Modify

Section 1-19-6.500(G) of the Frederick County Zoning Ordinance states that "The Planning Commission may modify the lighting standards within this section based on characteristics of the proposed use, photometric studies, nationally recognized standards, or other documentation as approved by the Planning Commission."

Modification Requested / Justification

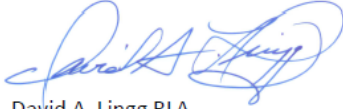
A modification is hereby requested to Section 1-19-500(B)(1) Pole Heights as the code requires a maximum height of 14 feet to the point of illumination in Planned Unit Developments (PUDs). The point of illumination proposed with this plan is projected to be 18 feet in height, as this plan proposes to utilize the same fixture type consistent with the type approved and existing throughout the commercial-oriented sections of the PUD in order to maintain the same design theme throughout the district. Please note that due to the pole design and the fixture style, the pole will extend slightly above the fixture's point of illumination, but the point of illumination will meet the 18' modified requirement, if approved.

This project is a part of the Linganore Town Center commercial area, and several site plans already approved in this same Center have proposed this same lighting standard and have received this modification. In the interest of presenting a unified design theme throughout the Linganore Town Center, the applicant for the Frederick Primary Care facility proposed on Lot C7/C8 of the Linganore Town Center project requests approval for the 4' modification from 14' to 18' so that the same standard may be utilized and the design theme may continue throughout the development.

Therefore, for the reasons stated above, and in accordance with Section 1-19-6.500(G) of the Frederick County Zoning Ordinance, the applicant respectfully requests this modification be approved by the Frederick County Planning Commission to allow the 4' increase in pole height to a maximum of 18' for the point of illumination, as shown on the details on Sheet 5 of the submitted Site Plan set.

Please feel free to contact me with any questions or comments. Thank you for your consideration of this matter.

Sincerely,
Lingg Property Consulting



David A. Lingg RLA
President

cc: Project Team